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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,866	02/01/2001	David Thomas	PNJ-001	3286

7590 03/30/2004

JANE E REMILLARD ESQ  
LAHIVE & COCKFILED LLP  
28 STATE STREET  
BOSTON, MA 02109

EXAMINER
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GAMBEL, PHILLIP

ART UNIT	PAPER NUMBER
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1644

DATE MAILED: 03/30/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.



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**Commissioner for Patents**

The amendment filed on 10/10/03 canceling all claims drawn to the originally elected invention (agonistic CD40-specific molecules/ antibodies and cell lines) and presenting only claims drawn to a non-elected invention is non-responsive (MPEP 821.03).

The remaining claims are not readable on the elected invention because applicant has added new claims 21-30, drawn to methods of including antigen specific CTL responses by administering agonistic CD40-specific antibodies.

Newly submitted claims 21-30 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The originally elected agonistic CD40-specific antibodies and the newly submitted method claims are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (M.P.E.P. ' 806.05(h)). In the instant case, the product as originally claimed can be used in various methods, including affinity purification and detection assays. Alternatively, there are a number of agents which can induce an antigen specific CTL response

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, newly claims 21-30 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP. 821.03.

Applicant should consider providing claims that read on the original elected invention or filing a Request for Continued Examination (RCE) in order to prosecute the newly submitted method claims.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (571) 272-0844. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Christina Chan can be reached on (571) 272-0841.

The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Phillip Gambel*

Phillip Gambel  
Primary Examiner  
Art Unit: 1644

TECH CENTER 1600  
3/19/04